

From: [Board Of Supervisors](#)
To: [Jesseka Rodriguez](#)
Subject: FW: Brown Act "Cure and Correct" Demand Regarding Zoning Administrator Action on May 16, 2025
Date: Thursday, May 29, 2025 7:34:12 AM

From: Caroline Montgomery [REDACTED]
Sent: Friday, May 23, 2025 12:12 PM
To: Lezanne Jeffs <Lezanne.Jeffs@santacruzcountyca.gov>; Board Of Supervisors <boardofsupervisors@santacruzcountyca.gov>; Jason Heath <Jason.Heath@santacruzcountyca.gov>
Cc: Scott Montgomery <scmontgom@gmail.com>
Subject: Brown Act "Cure and Correct" Demand Regarding Zoning Administrator Action on May 16, 2025

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To:
Santa Cruz County Zoning Administrator
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

CC:
County Counsel – Santa Cruz County
Santa Cruz County Planning Commission
Clerk of the Board – Santa Cruz County

Subject: Brown Act "Cure and Correct" Demand Regarding Zoning Administrator Action on May 16, 2025 – Agenda Item #4 (812 Cresta Vista Way, APN 044-171-66, Application #241353)

Dear Zoning Administrator Jeffs,

Pursuant to Government Code Section 54960.1, we submit this formal demand to cure and correct action taken by the Santa Cruz County Zoning Administrator on May 16, 2025, approving Application #241353 for the project located at 812 Cresta Vista Way, Aptos, CA (Agenda Item #4). This demand is based on substantial violations of the Ralph M. Brown Act that deprived the public of timely and adequate notice and a meaningful opportunity to participate in the decision-making process.

1. Brown Act Violation: Failure to Disclose Discretionary Permit Requirement

At the May 16, 2025 hearing, County staff publicly acknowledged for the first time that the subject property is a “sensitive site” as defined under Santa Cruz County Code §13.11.030(I), and that a Sensitive Site Development Permit is required under §13.11.037-1. This critical information was absent from:

- The published agenda
- The staff report
- All other materials provided to the public in advance of the hearing

Despite this late disclosure, the Zoning Administrator proceeded to approve the application without re-noticing the item or allowing the public an opportunity to address this newly identified discretionary permit requirement.

This failure to properly agendize the item—including the additional discretionary determination—violates Government Code §54954.2(a)(1), which mandates that agendas must clearly describe each item of business to be transacted or discussed. The omission denied the public the ability to comment on a significant legal and environmental consideration, undermining the transparency and fairness required by law.

2. Requested Cure and Correct Actions

In accordance with Government Code §54960.1(b), we respectfully request the following corrective measures:

- Vacate the May 16, 2025 approval of Application #241353;
- Re-notice and re-agendize the item for a new public hearing that includes clear disclosure of the Sensitive Site Development Permit requirement;
- Provide a full and fair opportunity for public comment and deliberation on all discretionary permits and related environmental issues.

If these corrective actions are not taken within 30 days of receipt of this letter, we reserve the right to pursue judicial remedies, including a petition for invalidation of the action under Government Code §54960.1(a).

3. Timeliness and Standing

This demand is timely filed within 30 days of the challenged action, as required by Government Code §54960.1(c)(1). The agenda-related defect is facially apparent from the hearing record and materials provided, establishing a valid basis for this notice.

Conclusion

The County’s failure to agendize and disclose a required discretionary permit for a sensitive site constitutes a material violation of the Brown Act. We urge the County to take swift and appropriate action to cure this violation and restore compliance with open meeting requirements.

Please confirm receipt of this letter and advise us of the County’s intent to cure or correct this action within the statutory timeframe.

Sincerely,
Scott & Caroline Montgomery